THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19523 of 2006

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the second respondent in passing the order No.02/95(7)/95-WNP dated 28.6.1995 withholding the petitioner's annual increment for a period of three months with cumulative effect, even though it was mentioned without cumulative effect, as arbitrary and illegal.

It is the case of the petitioner that he was imposed with punishment of stoppage of increment for a period of three months without cumulative effect by order of the second respondent dated 28.6.1995. But unfortunately, it was implemented as with cumulative effect and in view of that, he was denied of due date increment.

A counter affidavit has been filed on behalf of respondents. Para 4 of the said counter reads as under:

> "It is submitted that erroneously the punishment of postponement of increment for a period of three months vide order dated 28.6.1995 was treated as with cumulative effect and allowed the increments from 1.9.1995 regularly as per the Regulation 11 Note (1) of APSRTC Employees (Pay and Allowance) Regulations, 1964. The Regulation 11 Note (1) is extracted below:
>
> > 'The effect of an order withholding a particular increment is that the employee remains on the same pay without any increment for a period of which such increment was ordered to be withheld'.
>
> In the meanwhile the petitioner was placed under Special Grade with effect from 12.8.2002 in pursuance of the order dated 29.10.2002 in W.P.No.6699 of 2002 of this Hon'ble Court vide order dated 14.10.2002. The petitioner has given option to fix his special grade with effect from 1.9.2002 as his annual increment".

In view of the above, petitioner is entitled for restoration of his increment after completion of three months period from the date of imposition. Further, it is needless to mention that the petitioner is entitled for increments with effect from the original due date from succeeding years.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 9.10.2007
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19523 of 2006

9.10.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.19523 of 2006

Date: 9th October, 2007

Between:

V.A.Kumar

.. Petitioner

And

The Regional Manager,
APSRTC, Mahabubnagar Region,
Mahabubnagar & another.

.. Respondents